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MAURO JR, THOMAS J

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2143

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Please find below and/or attached an Office communication concerning this application or proceeding.

14

# Office Action Summary

Application No.

09/627,197

Applicant(s)

PHILYAW, JEFFRY JOVAN

Examiner

Thomas J. Mauro Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

1. Claims 1-37 have been examined.

***Specification***

2. The use of the trademarks NETSCAPE and MICROSOFT INTERNET EXPLORER has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 2930. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 2430. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1-5, 16-18, 25, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,923,7356 to Swartz et al.

Regarding claim 1, Swartz et al. teaches a battery pack for a wireless communication device comprising:

- a. A housing adapted to be removably attachable to a wireless communication device, the housing including an external shell defining an optical port therethrough and having an operational power interface and a data interface disposed on an exterior surface thereof (Figure 10 and Col. 11 lines 63-67 and Col. 12 lines 1-2);
- b. At least one battery disposed within the housing and electrically connected to the operational power interface (Figure 10 – item 204 and Col. 12 lines 2-3);  
and
- c. An optical reader disposed within the housing for scanning an optical indicia through the optical port and producing signals indicative of information encoded in the optical indicia, the optical reader being operably connected to the data interface (Figure 10 – item 202, Col. 11 lines 65-67 and Col. 12 lines 1-7);

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d. Whereby a wireless communication device attached to the battery pack can obtain operational power from the operational power interface and can access signals indicative of the information encoded in the optical indicia from the data interface (Figure 10 – item 202, Col. 11 lines 65-67 and Col. 12 lines 1-7).

Regarding claim 2, Swartz et al. further teaches wherein the optical reader further comprises:

- a. A radiant energy source for generating a radiant energy for illuminating the optical indicia (Col. 6 lines 41-42 and Col. 12 lines 1-2);
- b. A photo detector for generating output electrical signals indicative of the radiant energy incident thereon (Col. 6 lines 42-43 and lines 51-54);
- c. An optical system for directing the radiant energy from the radiant energy source through the optical port to the optical indicia, collecting the radiant energy reflected from the optical indicia to the optical port, and directing the collected radiant energy to the photo detector (Col. 6 lines 15-18 – The optical system is one employed by general bar code scanners and scanning terminals as are well known in the art, as mentioned by the author in Col 5 lines 24-26); and
- d. A decoder for decoding the output electrical signals of the photo detector and producing the signals indicative of the information encoded in the indicia (Col. 6 lines 46-60).

Regarding claim 3, Swartz et al. further teaches wherein the radiant energy source produces light having a wavelength within the visible spectrum (Col. 6 lines 15-17).

Regarding claim 4, Swartz et al. further teaches wherein the radiant energy source produces light having a wavelength within the infrared (IR) spectrum (Col. 6 lines 15-17).

Regarding claim 5, Swartz et al. further teaches wherein the radiant energy source produces light having a wavelength shorter than visible light and longer than X-Rays (Col. 6 lines 15-17).

Regarding claim 16, Swartz et al. teaches a method for accessing a remote location on a computer network,

- a. scanning an optical indicia with an optical reader disposed within a battery pack removably attached to a wireless communication device to extract information encoded in the optical indicia (Col. 6 lines 41-50);
- b. transmitting signals indicative of the information encoded in the optical indicia from the battery pack to the wireless communication device (Col. 6 lines 63-67 – The controller/signal processor resides within the device itself, not within the scan module. Thus, the information is transmitted through the SMB to the wireless communication device (WCD));

- c. transmitting signals indicative of information encoded in the optical indicia from the wireless communication device to the computer network to obtain routing information for a remote location on the network (Figure 3 – network access point and Col. 11 lines 60-62 – In order for the device to know which computer to communicate with, it must transmit the information encoded out onto the network to be properly routed to a remote location or computer in another store); and
- d. accessing a remote location on the computer network using the routing information (Col. 9 lines 59-62 – After deciphering which computer to go to, the device accesses the computer).

Regarding claim 17, Swartz et al. further teaches illuminating the optical indicia with radiant energy from a radiant energy source disposed within the battery pack (Col. 6 lines 41-42 and Col. 12 lines 1-2); collecting the radiant energy reflected from the optical indicia and routing the radiant energy to a photo detector disposed within the battery pack which produces electrical signals indicative of the radiant energy incident thereupon (Col. 6 lines 42-43 and lines 51-54); decoding the electrical signals produced by the photo detector to produce signals indicative of information encoded in the optical indicia (Col. 6 lines 46-60).

Regarding claim 18, Swartz et al. further teaches assembling data including signals indicative of information encoded in the optical indicia (Col. 6 lines 46-69); and

sending the assembled data to a data interface disposed on the exterior surface of the battery pack (Figure 10 item 206 and Col. 6 lines 63-67 – The controller/signal processor resides within the device itself, not within the scan module. Thus, the information was transmitted through the SMB (data interface) to the wireless communication device).

Regarding claim 25, Swartz et al. further teaches transmitting radio frequency signals indicative of information encoded in the optical indicia from the wireless communication device to a network interface disposed on the computer network (Figure 3 and Col. 7 lines 24-29); converting the radio frequency signals to network-compatible signals indicative of information encoded in the optical indicia in the network interface; and transmitting the network-compatible signals from the network interface onto the computer network (Figure 3 and Col. 9 lines 59-62 – In order for the RF signals to be received by those devices on the computer network, an underlying conversion takes place in an intermediary step).

Regarding claim 36, Swartz et al. teaches the invention substantially as claimed, a device for accessing a remote location on a computer network comprising:

- a. a cellular telephone (Col. 11 line 64);
- b. a removable battery pack including:
  - i. a housing adapted to be removably attachable to the cellular telephone, the housing including an external shell defining an optical port



- therethrough and having an operational power interface and a data interface disposed on an exterior surface thereof (Figure 10 and Col. 11 lines 63-67 and Col. 12 lines 1-2);
- ii. at least one battery disposed within the housing and electrically connected to the operational power interface (Figure 10 – item 204 and Col. 12 lines 2-3); and
  - iii. an optical reader disposed within the housing for scanning an optical indicia through the optical port and producing signals indicative of information encoded in the optical indicia, the optical reader being operably connected to the data interface (Figure 10 – item 202, Col. 11 lines 65-67 and Col. 12 lines 1-7);
- c. whereby the cellular telephone receives operational power from the operational power interface of the battery pack and receives signals indicative of information encoded in the optical indicia from the data interface of the battery pack (Figure 10 – item 202, Col. 11 lines 65-67 and Col. 12 lines 1-7); and
- d. whereby the cellular telephone accesses a remote location on the network using the information encoded in the optical indicia (Col. 9 lines 59-62).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 6-15, 19-24, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,923,735 to Swartz et al. in view of U.S. Patent No. 6,025,695 to Friel et al.

9. As to claim 6, Swartz teaches the invention substantially as claimed, a battery pack comprising battery-conditioning circuitry disposed within the housing and having a first electrical connection to the battery, the battery conditioning circuitry monitoring operational battery characteristics through the first electrical connection (Col. 6 lines 27-31).

Swartz et al., however, does not teach a second electrical connection to the data interface producing signals indicative of the charge condition of the battery on the second electrical connection, whereby a wireless communication device connected to the battery pack can access signals indicative of the operational battery characteristics on the data interface. Friel et al. teaches a smart battery that may transmit data to the host device over a system management bus (SMB) i.e. battery/power characteristics. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the battery pack module of Swartz et al. to incorporate the data transfer of battery characteristics, i.e. amount of power left, voltage, etc., of Friel et al. in order to supply the user of the device with the useful and necessary power information so that they can monitor the battery status to prevent loss of information due

to a dead battery.

10. As to claim 7, Swartz et al. does not teach the invention as claimed. However, Friel et al. teaches the invention substantially as claimed, a battery pack comprising a memory disposed within the housing and having a first code stored therein, the first code being associated with a group attribute of the battery pack (Col. 14 lines 42-47 and Col. 9 lines 45-52); and a processor disposed within the housing and operably connected to the memory and to the data interface (Figure 3 and Col. 6 lines 5-10 and lines 44-46); wherein the processor can access the memory, retrieve the first code, and provide signals indicative of the first code at the data interface (Figure 3 and Col. 14 lines 42-50 – In order for the data to be available to the host device through the data interface (System Management Bus – SMB), it is obvious the processor must access the data and send it across the SMB).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the battery pack of Swartz et al. to include a processor and memory space which the processor can access as was shown in Friel et al., in order to be able to store battery operational characteristics and critical information that the host device may request and to further provide a means to send the requested data to the host to set up power schemes and to insure power failure and data loss due to a dead battery does not occur.

11. As to claims 8 and 20, Swartz et al. does not explicitly teach the invention as claimed. However, Friel et al. teaches the invention substantially as claimed, a battery pack wherein the group attribute associated with the first code is an identification of the distributor of the battery pack (Col. 14 line 45).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Swartz et al. and Friel et al. to store group attributes of the pack, i.e. manufacturer data, in order to identify or classify a battery pack for some function which will be accessed by another device later.

12. As to claim 9, Swartz et al. does not explicitly teach the invention as claimed. However, Friel et al. teaches the invention substantially as claimed, a battery pack wherein the group attribute associated with the first code is an identification of the type of wireless communication device which the battery pack is configured to fit (Col. 14 line 45 – Manufacturer data encompasses a wide range of data including, but not limited to, serial number, device type, identification of the distributor, production date, etc...).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Swartz et al. and Friel et al. to store group attributes of the pack, i.e. device which the pack will fit, in order to make it easier for one to find the proper battery pack for the wireless device being used.

13. As to claim 10, Swartz et al. does not explicitly teach the invention as claimed. However, Friel et al. Teaches the invention substantially as claimed, a battery pack

wherein the memory further includes a second code stored therein, the second code being associated with an individual attribute of the battery pack (Col. 9 lines 45-52), and wherein the processor can access the memory, retrieve the second code, and provide signals indicative of the second code at the data interface (Figure 3 and Col. 14 lines 42-50 – In order for the data to be available to the host device through the data interface (System Management Bus – SMB), it is obvious the processor must access the data and send it across the SMB).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Swartz et al. and Friel et al. in order to label a battery pack with a unique identifier that distinguishes that particular product from all other products of the same type.

14. As to claims 11 and 23, Swartz et al. does not explicitly teach the invention as claimed. However, Friel et al. teaches the invention substantially as claimed, a battery pack wherein the individual attribute associated with the second code is a serial number of the battery pack (Col. 9 line 51).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Swartz et al. and Friel et al. to store an individual attribute of the pack, i.e. serial number, in order to be able to uniquely identify and distinguish one battery pack from another which thus helps manufacturers carry out warranty claims.

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15. As to claims 12 and 24, Swartz et al. does not explicitly teach the invention as claimed. However, Friel et al. teaches a battery pack with on-board memory (RAM) which contains many variables and pack-specific values such as design capacity, design voltage, serial number, manufacture date, etc... (Col. 9 lines 50-52).

It is well known in the art that many products request the user to enter his or her name to register or provide identification of the user of the product. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the identification of the user as one of the values within memory as to provide another means of uniquely identifying a product the owner of it.

16. As to claim 13, Swartz et al. teaches the invention substantially as claimed, wherein the housing is adapted for attachment to a wireless communication device which is a cellular telephone (Figure 10 and Col. 11 lines 63-64).

17. As to claim 14, Swartz et al. does not teach the invention as claimed. However, Friel et al. teaches the invention substantially as claimed, wherein the housing is adapted for attachment to a wireless communication device which is a handheld PC (Col. 13 line 39 – A handheld PC is a type of portable computer).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Swartz et al. and Friel et al. in order to allow other wireless communication devices to experience the usefulness and

functionality that smart batteries provide to users.

18. As to claim 15, Swartz et al. does not teach the invention as claimed. However, Friel et al. teaches the invention substantially as claimed, wherein the housing is adapted for attachment to a wireless communication device which is a personal digital assistant (PDA) (Col. 13 line 39 – A PDA is one type of portable computer).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Swartz et al. and Friel et al. in order to allow other wireless communication devices to experience the usefulness and functionality that smart batteries provide to users.

19. As to claim 19, Swartz. et al. does not teach the invention as claimed. However, Friel et al. teaches the invention substantially as claimed, a method wherein the step of assembling data further comprises: accessing a memory disposed within the battery pack; and retrieving a first code stored in the memory, the first code being associated with a group attribute of the battery pack (Col. 14 lines 42-50 – In order for the device to use these available stored values, it must access the memory in the battery and retrieve the appropriate code stored).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the battery pack of Swartz et al. to include accessible memory space to retrieve various codes as was shown in Friel et al., in order to be able

to access the stored group attributes of the battery pack which will give the user more power and control over his or her device.

20. As to claim 21, Swartz et al. does not teach the invention as claimed. However, Friel et al. teaches the invention substantially as claimed, wherein the group attribute associated with the first code is an identification of the model of the battery pack (Col. 14 lines 45 – Manufacturer data).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Swartz et al. and Friel et al. to store group attributes of the pack, i.e. manufacturer data, in order to give the user more control over his or her device and to make it easier for replacing batteries by allowing them to access the model number and various other pieces of product information from the manufacturer.

21. As to claim 22, Swartz. et al. does not teach the invention as claimed. However, Friel et al. teaches the invention substantially as claimed, a method wherein the step of assembling data further comprises: accessing a memory disposed within the battery pack; and retrieving a second code stored in the memory, the second code being associated with an individual attribute of the battery pack (Col. 9 lines 45-52 – In order for the device to use these available stored values, it must access the memory in the battery and retrieve the appropriate code stored).



It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the battery pack of Swartz et al. to include accessible memory space to retrieve various codes as was shown in Friel et al., in order to be able to access the stored individual attributes of the battery pack which will give the user more power and control over his or her device and to provide easy access to battery specific (unique) data.

22. Regarding claim 37, Swartz et al. and Friel et al. teach the invention substantially as claimed, a device for accessing a remote location on a computer network comprising:

- a. a personal digital assistant (PDA) (Friel et al. - Col. 13 line 39 – A PDA is a type of portable computer);
- b. a removable battery pack including:
  - iv. a housing adapted to be removably attachable to the PDA, the housing including an external shell defining an optical port therethrough and having an operational power interface and a data interface disposed on an exterior surface thereof (Swartz et al. - Figure 10 and Col. 11 lines 63-67 and Col. 12 lines 1-2);
  - v. at least one battery disposed within the housing and electrically connected to the operational power interface (Swartz et al. - Figure 10 – item 204 and Col. 12 lines 2-3); and

- vi. an optical reader disposed within the housing for scanning an optical indicia through the optical port and producing signals indicative of information encoded in the optical indicia, the optical reader being operably connected to the data interface (Swartz et al. - Figure 10 – item 202, Col. 11 lines 65-67 and Col. 12 lines 1-7);
- c. whereby the PDA receives operational power from the operational power interface of the battery pack and receives signals indicative of information encoded in the optical indicia from the data interface of the battery pack (Swartz et al. - Figure 10 – item 202, Col. 11 lines 65-67 and Col. 12 lines 1-7); and
- d. whereby PDA accesses a remote location on the network using the information encoded in the optical indicia (Swartz et al. - Col. 9 lines 59-62).

23. Claim 26, 29-32, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,923,735 to Swartz et al. in view of the teachings of Patent Application Publication US2002/0004753 to Perkowski.

24. Regarding claim 26, Swartz et al. teaches the invention as claimed, a method for transmitting signals indicative of information encoded in the optical indicia received from the wireless communication device to an intermediate location on the computer network (Col. 9 lines 59-61 – Any computer/server could be considered an intermediate location). Swartz et al., however, does not teach accessing a database at an intermediate location which contains a first plurality of routing information for locations

on the network and a second plurality of information encoded from the optical indicia.

Perkowski, however, teaches accessing a database at the intermediate location, the database including a first plurality of routing information for locations on the computer network and a second plurality of information encoded in optical indicia and associating each of the first plurality with at least one of the second plurality; and retrieving from the database the routing information, i.e. URL's, associated with the information encoded in the optical indicia received from the wireless communication device (Figure 4A1 and Paragraph [0019] – The database is accessed when a bar code is scanned into the device).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Perkowski and Swartz et al. in order to provide a convenient, fast, and easy means for accessing product information wirelessly using handheld devices.

In addition, Swartz et al., does not teach retrieving from the database the routing information associated with the information encoded in the optical indicia received from the wireless device. Perkowski, however, teaches a relational database containing a correlation of products, product bar codes, and URL's (Figure 4A1 and Paragraph [0019]). After accessing the information, the results (URL's, i.e. routing information) are returned to the user's device (Paragraph [0193]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the receiving of routing information, as taught in

Perkowski, into the invention of Swartz et al. in order to provide the user with a list of available choices of information pertaining exactly what they need.

25. Regarding claim 29, Swartz et al. does not teach the invention as claimed.

Perkowski, however, teaches the invention substantially as claimed, wherein the step of retrieving from the database further comprises returning routing information from the database to the wireless communication device (Paragraph [0193] – URL's from the database are returned to the user's device).

26. Regarding claim 30, Swartz et al. and Perkowski teach the invention substantially as claimed as noted above. Swartz et al. and Perkowski further teach connecting the wireless device (Swartz – Col. 4 line 63) to remote location using the routing information (Perkowski - Paragraph [0193] – URL's from the database are returned to the user's device); and retrieving information from the remote location for display on wireless communication device (Perkowski – Paragraph [0195]).

27. Regarding claim 31, Swartz et al. and Perkowski teach the invention substantially as claimed. Swartz et al. and Perkowski teach a system for accessing a remote location on a computer network, comprising:

- a. a wireless communication device (Swartz – Col. 4 line 63);
- b. a battery pack removably attached to the wireless communication device for providing operational power to the wireless communication device and

including therewithin an optical reader adapted to scan an optical indicia (Swartz – Col. 11 lines 63-66), extract information encoded in the optical indicia (Swartz – Col. 6 lines 46-49) and provide signals indicative of the encoded information to the wireless communication device (Col. 6 lines 63-67 – The controller/signal processor resides within the device itself, not within the scan module. Thus, the information is transmitted through the SMB to the wireless communication device (WCD));

c. a network interface disposed on the computer network for receiving radio frequency (RF) signals from the wireless communication device (Swartz – Col. 7 lines 25-26) indicative of the encoded information and converting the RF signals into network signals indicative of the encoded information which are compatible with the computer network (Figure 3 and Col. 9 lines 59-62 – In order for the RF signals to be received by those devices on the computer network, an underlying conversion takes place in an intermediary step); and

d. a computer database including a first plurality of routing information for locations on the computer network and a second plurality of information encoded in optical indicia and associating each of the first plurality with at least one of the second plurality (Perkowski - Figure 4A1 and Paragraph [0019] – The database is accessed when a bar code is scanned into the device);

e. whereby the computer database can be accessed to retrieve the routing information associated with the encoded information indicated by the network signals (Perkowski - Paragraph [0193] – URL's from the database are returned to

the user's device), and the wireless communication device can access a remote location on the computer network using the routing information (Perkowski – Paragraph [0195]).

28. Regarding claim 32, Swartz teaches the invention substantially as claimed, wherein the wireless communication device is a cellular telephone (Col. line 64).

29. Regarding claim 35, Swartz does not teach the invention as claimed. Perkowski, however, teaches the invention substantially as claimed, wherein the computer database is disposed at an intermediate location on the computer network (Perkowski Fig 2A – UPC/URL Database subsystem 9 is located separately from the client systems 13).

30. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz et al. in view of the pending application to Perkowski as applied to claim 26 above, and further in view of U.S. Patent No. 6,084,523 to Gelnovatch et al.

31. Regarding claim 27, Swartz et al. teaches transmitting signals from a wireless communication device to an intermediate location, as was shown above in the rejection to claim 26. Swartz et al., however, does not teach a first code associated with a group attribute of the battery pack being transmitted and furthermore, accessing a database which contains a field indicative of the particular attribute of the battery pack and finally

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retrieving from the database the routing information associated with the information encoded in the optical indicia and the first code received from the wireless device.

Perkowski, however, teaches a relational database which contains different fields for properly routing a request for a URL based upon certain product criteria. The fields in the database are specific to the specific application being developed. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a third plurality of first codes in order to provide the proper fields in the database.

Gelnovatch et al., however, teaches a battery pack which transmits information to a host computer, the information including such battery parameters as battery type, i.e. model number (Col. 1 lines 42-47 and Col. 5 lines 16-19).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to add the transmitting of battery type information as a group attribute as taught in Gelnovatch, which based on the model number, provides information regarding your particular type of device, to the invention of Swartz et al. in order to provide a means for further narrowing down the number of sites which relate to the consumer product information you requested, i.e. sites based upon the product of interest and having some relation to the type of device you are using.

Swartz et al. does not retrieving from the database the routing information associated with the encoded optical indicia and the first code received from the wireless device.

Perkowski, however, teaches that after accessing the information, the results (URL's,

i.e. routing information) are returned to the user's device (Paragraph [0193]). Thus the same motivation as shown in the rejection to claim 26 is used here.

32. Regarding claim 28, Swartz et al. teaches transmitting signals from a wireless communication device to an intermediate location, as was shown above in the rejection to claim 26. Swartz et al., however, does not teach a second first code associated with an individual attribute of the battery pack being transmitted and furthermore, accessing a database which contains a field indicative of the particular attribute of the battery pack and finally retrieving from the database the routing information associated with the information encoded in the optical indicia and the second code received from the wireless device.

Perkowski, however, teaches a relational database which contains different fields for properly routing a request for a URL based upon certain product criteria. The fields in the database are specific to the specific application being developed. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a third plurality of first codes in order to provide the proper fields in the database.

Gelnovatch et al., however, teaches a battery pack which transmits information to a host computer, the information including such battery parameters as battery type, i.e. serial number (Col. 1 lines 42-47 and Col. 5 lines 16-19).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to add the transmitting of battery type information as an individual



attribute as taught in Gelnovatch, which based on the serial number, provides information regarding your exact type of device, to the invention of Swartz et al. in order to provide a means for further narrowing down the number of sites which relate to the consumer product information you requested, i.e. sites based upon the product of interest and having some relation to the type of device you are using so as to maximize the quality of presentation for that particular device.

Swartz et al. does not retrieving from the database the routing information associated with the encoded optical indicia and the first code received from the wireless device. Perkowski, however, teaches that after accessing the information, the results (URL's, i.e. routing information) are returned to the user's device (Paragraph [0193]). Thus the same motivation as shown in the rejection to claim 26 is used here.

33. Claim 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz et al. in view of the pending application to Perkowski as applied to claim 31 above, and further in view of U.S. Patent No. 6,025,695 to Friel et al.

34. Regarding claim 33, Swartz does not teach the invention as claimed. However, Friel et al. teaches the invention substantially as claimed, wherein the wireless communication device is a handheld PC (Col. 13 line 39 – A handheld PC is a type of portable computer).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Swartz et al. and Friel et al. in order to

allow other wireless communication devices which provide more powerful and user-friendly features to access the above system.

35. Regarding claim 34, Swartz does not teach the invention as claimed. However, Friel et al. teaches the invention substantially as claimed, wherein the wireless communication device is a personal digital assistant (PDA) (Col. 13 line 39 – A PDA is a type of portable computer).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Swartz et al. and Friel et al. in order to allow other wireless communication devices which provide more powerful and user-friendly features to access the above system.

#### ***Conclusion***

36. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 6,101,483 to Petrovich et al. teaches a personal portable shopping system with a bar code reader and intermediate database for gaining links to product information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mauro Jr. whose telephone number is 703-605-1234. The examiner can normally be reached on M-F 8:00a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Thomas J. Mauro Jr.  
Examiner  
Art Unit 2143



TJM  
August 8, 2003



**DAVID WILEY**  
SUPERVISORY PATENT EXAMINER  
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